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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

GREGORY BENDER,

No. 5:09 CV 1151 RS

Plaintiff,

v.

**ORDER TO SHOW CAUSE  
RE: DISMISSAL**

NATIONAL SEMICONDUCTOR  
CORPORATION, a Delaware corporation,

Defendant.

This action was filed on March 16, 2009, and on the same day, the Court issued a summons and filed its standard scheduling order. Other than filing an amended complaint, plaintiff has taken no further action to pursue the matter, and the summons has now expired. *See* Fed. R. Civ. P. 4(m) (providing that a summons expires 120 days after its issuance). The docket indicates that defendant has not been served.

IT IS HEREBY ORDERED that plaintiff shall appear on **August 19, 2009, at 9:30 a.m.** in Courtroom 4, United States Courthouse, 280 S. First Street, San Jose, California, and show cause why this case should not be dismissed without prejudice in accordance with Federal Rule of Civil

1 Procedure 4(m). If plaintiff fails to show good reason for his failure to prosecute, the Court will  
2 recommend that the case be dismissed.

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4 IT IS SO ORDERED.

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6 Dated: 7/20/09

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RICHARD SEEBORG  
United States Magistrate Judge

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